THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.167 OF 2005

DATED: 25TH October, 2005.

Between:

Gopu Anjaneyulu .. Petitioner

And

1. The Collector & District Magistrate,

Guntur and others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.167 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the action of the respondents in seeking to construct a Primary Health Centre at Redla Bazaar, Rompicherla Village & Mandal as arbitrary and illegal.

The petitioner is a resident of Rompicherla. It is stated that he has donated the land to an extent of Ac.1-24 cents and 76 cents in Sy.Nos.386/A1A and 385/1 respectively situated in Dasaripalem village on 17-1-1987 in favour of the District Medical & Health Officer, Guntur under a Registered Deed for the purpose of construction of a Primary Health Centre for the benefit of the villagers of Butchipapannapalem, Ramireddipalem and Rompicherla so as to cater to the needs of SCs, STs and BCs who are in majority. It is stated that the land gifted by the petitioner is situated just adjacent to the offices of Mandal Revenue Officer, Mandal Development Officer and the Police Station at Rompicherla and accessible to the residents of all the villages. Having accepted the said gift, the officials have erected a compound wall around the abovesaid 2 acres of land and staff quarters were also constructed in and around the year 1989. As a matter of fact, Primary Health Centre is being run temporarily for over 15 years in the said premises wherein Regular Duty Medical Officers and other staff numbering about 23 are working. It is stated that the Government has spent about Rs.25 lakhs for development of land donated by the petitioner. While so, it is alleged that one Sri Kasu Mahesh Reddy, sitting M.L.A. has orally instructed the respondents in August, 2004 to stop the construction of hospital in the land in question and instructed them to construct a hospital in the locality called Redla Bazaar in Rompicherla village. The petitioner alleges that the said Redla Bazaar is 1 Km away and it is just by the side of a vagu and it is not at all suitable for construction of Primary Health Centre. Hence, this writ petition contending that the action of the respondents in abandoning the Primary Health Centre in the land donated by the petitioner having spent more than Rs.25 lakhs as arbitrary and illegal.

On behalf of the 2nd respondent - The Executive Engineer, A.P. Medical I.D.C., S.V.N. Colony, Guntur, a counter-affidavit has been filed in which the circumstances under which it was proposed to construct Primary Health Centre at Redla Bazaar have been explained. It is stated that the construction work was

awarded in favour of M/s. Krushi Constructions. However, subsequently by letter dated 8-11-2004 the agreement in favour of M/s. Krushi Constructions was cancelled. It is stated that due to pending disputes with regard to the site and since the work was also delayed, the construction work entrusted to M/s. Krushi Constructions was cancelled on 26-11-2004. It is also contended that the second respondent is merely executing the impugned orders of the District Medical and Health Officer, Guntur who is the executing agency for Medical and Health Department.

Having heard the learned Counsel for both the parties and having regard to the specific plea taken by the 2nd respondent, it is clear that as on today the construction work at Redla Bazaar is not being carried on since the work entrusted to the contractor has already been cancelled. However, having regard to the specific plea taken by the petitioner that the gift was made long back for the specific purpose of construction of Primary Health Centre, with regard to which the Government has already spent considerable amounts and particularly that the Primary Health Centre is being run in the said premises temporarily for the past 15 years, I am of the view that the District Medical Officer ought to have taken into consideration the objections raised by the petitioner before taking any decision for change of location. Since no such course has been followed, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to make a representation before the 3rd respondent - The Director, Medical & Health, raising all the objections against the impugned shifting of the site for locating the Primary Health Centre. If any such representation is made within four weeks from the date of receipt of this order, the 3rd respondent shall consider the same and pass appropriate orders in accordance with law and communicate the same to the petitioner.

The Writ Petition is accordingly disposed of. No costs.

25th October, 2005.

gbs